

APPROVED: Meeting No. 9-83

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 8-83

March 21, 1983

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, March 21, 1983, at 7:30 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: Proclamation: Commending
Wootton High School Basket-
ball team - State "AA"
Champions

Proclamation No. 3-83

There being no objection from the Council, Mayor Freeland proceeded to issue Proclamation No. 3-83, commending the Wootton High Basketball Team on their State "AA" Championship. Councilman Duncan read the proclamation at the request of the Mayor and expressed the City's pride in the attainment and achievement of these young men. Mayor Freeland introduced Dr. James Cole, Principal of Wootton High School, who in turn introduced Coach Wolk and the members and managers of the team.

Re: Appointment

Mayor Freeland made the following appointment:

Elaine Goldberg, Chairman of the Advisory Committee on Public Education.

The appointment was confirmed by the Council.

Re: Award of Contract:
33-83, 6 four passenger
sedans - vehicle replacement

Bid No. 33-83 was opened on February 22, 1983, at 3:00 p.m. The current City operating budget provided for the proposed purchase during FY 83.

Bids were received as follows:

<u>Vendor</u>	<u>Unit Bid</u>	<u>Total Bid</u>
Sunderland Chevrolet, Inc., Lemoyne, Pennsylvania	\$5,428.00	\$32,568.00
Sport Chevrolet Co., Inc., Silver Spring, Maryland	5,526.00	33,156.00
Rosenthal Chevrolet, Arlington, Virginia	5,680.00	34,080.00
Steuart Ford, Lanham, Maryland	5,961.00	35,766.20
Hill & Sanders Ford, Wheaton, Maryland	6,112.00	36,672.00
Century Ford, Rockville, Maryland	6,388.42	38,330.52
Budgeted amount		36,000.00
Low Bid Gross		32,568.00
FY 83 Low Bid		5,428.00 ea.
FY 82 Low Bid		5,172.40 ea.
Percent Increase FY 83 over FY 82		+4.9%

The low bids are "Chevette Scooters" to replace a variety of vehicles (sedans and station wagons) in several departments

Staff recommends the award of contract of Bid No. 33-83 to Sunderland Chevrolet Inc., in the amount of \$32,568.00 for replacement of six four passenger sedans. The low bidder has been determined to be responsible on previously satisfactorily completed work for the City.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 33-83, for six 4-passenger sedans, was awarded to Sunderland Chevrolet, Inc., in the amount of \$32,568.00.

Re: Award of Contract: Bid
No. 34-83, 2 refuse trucks
for vehicles replacement

Bid No. 34-83 was opened on February 22, 1983, at 3:00 p.m. The current City operating budget provided for the proposed purchase during FY 83.

(This bid is comprised of two components; the body tabulation and the chassis tabulation).

Bids were received as follows:

<u>Vendor</u>	<u>Model</u>	<u>Unit Bid</u>	<u>Total Bid</u>
Waddle Truck Equipment Co. Baltimore, Maryland	Pak-Mor	\$13,172.00	\$26,344.00
Hilo Equipment Company Bel Air, Maryland	E-Z Pack	13,300.00	26,600.00
Wilbar Truck Equipment Inc. Springfield, Virginia	Loadmaster	14,997.00	29,994.00
Warner-Fruehauf Trailer Co., Inc. Baltimore, Maryland	Leach	15,816.00	31,632.00
Municipal Sales, Co., Inc. Richmond, Virginia	Athey	16,512.00	33,024.00

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(Body) FY 83 Low Bid	\$13,172.00 ea.
(Body) FY 82 Low Bid	12,854.00 ea.
Percent increase FY 83 over FY 82	+2.5%

<u>Vendor (Chassis)</u>	<u>Model</u>	<u>Unit Bid</u>	<u>Total Bid</u>
District International Trucks, Inc. Tuxedo, Maryland	International	\$30,470.00	\$60,940.00
Central G.M.C. Landover, Maryland	G.M.C.	31,263.00	62,526.00
Chesapeake Ford Truck Sales, Inc. Baltimore, Maryland	Ford	31,709.00	63,418.00
Steuart Ford Lanham, Maryland	Ford	32,181.00	64,362.00
Eastern International Trucks, Inc. Rockville, Maryland	International	32,612.00	65,224.00
Rosenthal Chevrolet Arlington, Virginia	Chevrolet	27,894*	55,788*

*Rosenthal Chevrolet submitted a bid which did not meet the minimum engine specification for horsepower (210 @ 2800 RPM spec. - 205 @ 3000 RPM bid), Foot pounds of torque (485 ft. lbs. of torque @ 1400 RPM spec. - 430 ft. lbs. of torque @ 1700 RPM Bid), and cubic inch displacement (600 CID Spec. 500 CID Bid) and must be rejected.

(Chassis) FY 83 Low Bid	\$30,470.00 ea.
FY 82 Low Bid	28,873.00 ea.
Percent increase FY 83 over FY 82	+5.5%
Budgeted Amount	\$97,800.00
Combined FY 83 Low Bid	\$87,284.00

Staff recommends award of Bid No. 34-83 to Waddle Truck Equipment Company, Inc., in the amount of \$26,344.00 for replacement of two (2) refuse truck bodies and to District International Trucks Inc., in the amount of \$60,940.00 for replacement of two (2) refuse truck chassis.

The low bidder has been determined to be responsible based on previously satisfactorily completed work for the City.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 34-83, was awarded to Waddle Truck Equipment Company in the amount of \$26,344 for two refuse truck bodies and District International Trucks, Inc., in the amount of \$60,940 for replacement of two truck chassis.

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Re: Award of Contract:
35-83, 3 Pick-up
Trucks

Bid No. 35-83 was opened on February 22, 1983, at 3:00 p.m. The current City operating budget provided for the proposed purchase during FY 83.

Bids were received as follows:

<u>Vendor</u>	<u>Model</u>	<u>Total Bid</u>
Rosenthal Dodge, Arlington, Virginia	Dodge	\$24,570.00
Bob Banning Motors, New Carrollton, Maryland	Dodge	24,968.85
Sunderland Chevrolet Inc., Lemoyne, Pennsylvania	Chevrolet	26,895.00
Central G.M.C., Landover, Maryland	G.M.C.	27,375.00
Sport Chevrolet Co., Inc., Silver Spring, Md	Chevrolet	27,408.00
Steuart Ford, Lanham, Maryland	Ford	27,525.00
Budgeted Amount		27,600.00
FY 83 Low Bid		24,570.00
FY 82 Low Bid		26,331.27
Percent decrease FY 82 to FY 83		-7.2%

The three pick-ups will replace two in refuse and one in general use.

Staff recommends award of Bid No. 35-83 to Rosenthal Dodge in the amount of \$24,570.00 for replacement of three pickup trucks.

The low bidder has been determined to be responsible based on the good business reputation of Rosenthal Dodge, which has been in business in the area for more than 20 years.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 35-83 was awarded to Rosenthal Dodge in the amount of \$24,570.00.

Re: Award of Contract:
Bid No. 36-83, one
dump truck (18,500
gross vehicle weight)

Bid No. 36-83 was opened on February 22, 1983, at 3:00 p.m. The current City operating budget provided for the proposed purchase during the FY 83.

Bids were received as follows:

<u>Vendor</u>	<u>Model</u>	<u>Total Bid</u>
Sport Chevrolet, Silver Spring, Maryland	Chevrolet	\$15,496.00
District International Trucks, Inc. Tuxedo, MD	International	16,024.00
Sunderland Chevrolet Inc., Lemoyne, Pennsylvania	Chevrolet	16,180.00
Rosenthal Chevrolet, Arlington, Virginia	Chevrolet	16,270.00
Central G.M.C., Landover, Maryland	G.M.C.	16,947.00
Eastern International Truck Inc., Rockville, MD	International	17,257.00
Budgeted Amount		\$15,900.00
FY 83 Low Bid		15,425.00
FY 82 Low Bid		No Purchase

This replacement truck will be used in Recreation and Parks. A heavier vehicle is not satisfactory because this vehicle is driven on grass areas.

Staff recommends awarding Bid No. 36-83 to Sport Chevrolet Co., Inc., in the amount of \$15,496 for replacement of one dump truck (18,500 G.V.W.).

The low bidder has been determined to be responsible based on previously satisfactorily completed work for the City.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 36-83, was awarded to Sport Chevrolet in the amount of \$15,496.00.

Re: Award of Contract:
Bid No. 37-83, five
dump trucks (35,000
G.V.W.)

Bid No. 37-83 was opened on February 22, 1983, at 3:00 p.m. The current City operating budget provided for the proposed purchase during FY 83.

Bids were received as follows:

<u>Vendor</u>	<u>Model</u>	<u>Unit Bid</u>	<u>Total Bid</u>
Central G.M.C., Landover, Maryland	G.M.C.	\$29,826.00	\$149,130.00
Rosenthal Chevrolet, Arlington, VA	Chevrolet	29,875.00	149,375.00
Chesapeake Ford Truck Sales, Inc., Baltimore, Maryland	Ford	30,300.00	151,500.00
District International Trucks, Inc. Tuxedo, Maryland	International	31,065.00	155,325.00
Steuart Ford, Lanham, Maryland	Ford	31,524.57	157,622.85
Eastern International Trucks, Inc. Rockville, Maryland	International	34,436.00	172,180.00
Sport Chevrolet, Silver Spring, MD	Chevrolet	27,958.00*	139,790.00*
Budgeted amount			\$161,750.00
FY 83 Low Bid			149,130.00
FY 82 Low Bid			No Purchase

*Sport Chevrolet submitted a bid but a clerical error failed to note two items that would have required exceptions to our stated minimum specifications concerning the engine requirements. Sport Chevrolet requested withdrawal of their bid.

The five trucks are larger to accommodate materials hauled and are diesel powered for fuel efficiency. These trucks will become part of our snow plowing fleet.

Staff recommends award of Bid No. 37-83 to Central G.M.C. in the amount of \$149,130.00 for replacement of five dump trucks (35,000 G.V.W.)

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The low bidder has been determined to be responsible based on previously satisfactorily completed work for the City.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 37-83, was awarded to Central G.M.C. in the amount of \$149,130.00.

Re: Award of Contract:
Bid No. 38-83, one
compact sedan - 6
cylinder

Bid No. 38-83 was opened on February 22, 1983, at 3:00 p.m. The current City operating budget provided for the proposed purchase during FY 83.

Bids received were as follows:

<u>Vendor</u>	<u>Model</u>	<u>Base Bid</u>	<u>W/Options</u>	<u>Total Bid</u>
Sunderland Chevrolet, Lemoyne, PA	Chev.	\$7,471.00	\$730.00	\$8,201.00
Rosenthal Chevrolet Co., Arlington, Virginia	Chev.	7,534.00	731.00	8,265.00
Sport Chevrolet Co., Silver Spring, Maryland	Chev.	7,760.00	706.00	8,466.00
Bob Banning Motors New Carrollton, Maryland	Dodge	7,683.20	786.25	8,469.45
Budgeted amount				\$8,200.00
FY 83 Low Bid				8,201.00
FY 82 Low Bid				No Purchase

This bid is excessive for the type of automobile to be provided and staff recommends it be rejected. The bid document states as follows: "The City reserves the right to reject any or all bids or parts of bids where the public interest will be served thereby."

Staff recommends purchase under a State of Maryland Bid for State Police vehicles with a savings by this action of \$454.30, and award to Sport Chevrolet Co., Inc., the low bidder on the State of Maryland Purchase Order No. 22382, in the amount of \$7,746.70.

Councilman Abrams asked if the Attorney's office had any problem with this type of action. Mr. Douglass explained it was allowable under the terms of the specifications.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 38-83 was awarded as the staff recommended under the State of Maryland purchase order to Sport Chevrolet in the amount of \$7,746.70.

Mayor Freeland asked if the used vehicles were traded in to the dealer. Mr. Douglass said they are either sold at public auction or recycled to the City's departments.

Re: Approval of Franchise
Agreement between Montgomery
County and Tribune-United
Cable Television Company

The County-Municipal agreement on cable television provides that the City has 35 days from receipt of the proposed franchise agreement to approve it and sign it. Staff has been reviewing the previously negotiated City-County CATV agreement to ensure that the provisions of that agreement are appropriately addressed in the franchise agreement between the County and Tribune-United Cable Company.

Staff finds that the franchise agreement substantially addresses the City-County agreement provisions. However, there is a request that clarification in some form be received from Montgomery County to address four issues. The issues are as follows:

1. Sufficient resources have been committed by Tribune-United (T-U) to the County to meet the previous commitment of one full-time CATV professional to Rockville. However, the specific personnel commitment is not explicit in the Franchise Agreement. It is the intention of the County to make this personnel commitment explicit in a future detailed work program with T-U.
2. The City previously negotiated with the County a maximum potential usage of no more than 10% of the Institutional Network which will have 57 channels. While the City has been assured by the County that the City will have access to more capacity than it will ever use, more clarification here by the County would be reassuring.
3. The City previously negotiated with the County a maximum potential usage of no more than five channels on the Residential Network which will have 108 channels. While the City has been assured by the County that the process in the franchise permits the City access to more channel capacity than it will ever use, more clarification by the County would be helpful.
4. The initial one residential channel which will be used by the City appears in the franchise to be "shared" with other municipalities. "Shared" means that Rockville programming on the one channel would be shared with other municipal programming. In addition, the channel, when broadcasting Rockville programs, may only be seen by Rockville residents rather than the entire County.

Mr. John Hansman of Montgomery County was introduced by Daniel Hobbs, and he briefed the Council point by point on the consideration. Mayor Freeland asked Mr. Hansman what would occur if points were raised at this time. Would it involve a lot of change on the County's part. Mr. Hansman explained it is a negotiated contract and he has come this evening to make a case for the

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agreement. The third party in the contract will be reluctant to make changes since a good deal of cost is involved. Mr. Abrams asked if the City's concerns were communicated to Tribune United during negotiations. Mr. Hansman said they were not. Councilman Abrams asked about whether or not the City's agreement were given to the company. Mr. Hansman said the agreement was but there were questions of interpretation. Councilman Abrams asked if any of the City's concerns were raised to Tribune United and rejected by them. Mr. Hansman said one was but he would prefer to take the points before the Council in order. The points were discussed by the Council and Mr. Hansman. After discussion, Mayor Freeland suggested that the important thing is get the system in place. He suggested an exchange of letters to Montgomery County referencing the points that the staff has recommended and that being sufficient at this time. After further discussion, Councilman Duncan moved, that the franchise agreement between Montgomery County and Tribune United Cable be approved by the City of Rockville with the understanding that incorporated in that approval is the understanding that commitments made to the City in the agreement between the City and County dated March 15, 1982, will be honored by Tribune United Cable and the staff is instructed to convey this information to the County in order to further memorialize this understanding. The motion passed unanimously.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Mr. Moatz, 1721 Crestview Drive. Mr. Moatz asked if a report had been sent out. He said he had called Montgomery County and had been told that it was in the typing pool. The City Manager said he was sure the County was referring to its typing pool. The City Manager explained that a study is done by a special panel when a claim is refused by a claim service. He would get what information he could and get it to Mr. Moatz as soon as possible.

There being no other citizen who wished to address the Mayor and Council, the Citizen's Forum portion of the meeting was closed.

Re: Introduction of Ordinance:
To enact a new Chapter 24
to the "Laws of Rockville"
entitled "Motor Vehicle
Repair and Towing Registra-
tion" to require registration
of business engaging in the
repair and maintenance of
motor vehicles

On motion of Councilman Duncan, there was introduced upon the table, an ordinance to enact a new Chapter 24 to the "Laws of Rockville" entitled "Motor Vehicle Repair and Towing Registration" requiring registration of businesses engaging in the repair and maintenance of motor vehicles. A public hearing will be held on this ordinance in conjunction with the other consumer protection items on May 16, 1983.

Re: Introduction of Ordinance:
To amend Chapter 8 of the
"Laws of Rockville", entitled
"Consumer Protection", to
require disclosure of
pricing information in the
sale of certain beverages

On motion of Councilman Abrams, there was introduced upon the table, an ordinance amending Chapter 8 of the "Laws of Rockville", entitled "Consumer Protection", requiring disclosure of pricing information in the sale of certain beverages. A public hearing will be held on this ordinance in conjunction with other consumer protection items on May 16, 1983.

Re: Work Session - Animal
Control Policies with
the Rockville Animal
Control Board

The Mayor and Council met in work session with the Animal Control Board. Chairman Richard Simmonds and member Margaretta Tutson were present as were staff assistant Rainie Broad, Corporal Bender and Animal Warden Irving Chatmon. The Council discussed the Animal Control Program at length and were shown a film on rabies and infection.

Past problems were cited by the Board as evidence of the low priority given Animal Control matters such as: The division has had 7 different police supervisors in 13 years; the pay and classification scales of the wardens need to be discussed; the staff support on Board decisions has fallen short; Wardens are used for office coverage in the secretary's absence; City response to

the rabies outbreak was slow in developing particularly with respect to securing sufficient traps and humane means of anesthetizing animals caught in traps; it took five months taken to replace a Warden vehicle, the cost of which was covered by insurance; (Montgomery County acted with a much needed \$85,000 for equipment and personnel). Steps taken within Animal Control division to enhance operations and minimize impacts of limited resources were discussed at length. Action options were presented to the Council:

1. Reconsider level of enforcement and public education desired within the City of Rockville, to test adequacy of current staffing.
2. To disband Animal Control, turn entire operation over to Montgomery County and pay the County for their services.
3. Task Ad Hoc committee on Animal Control Board to recommend future program direction for Animal Control matters.
4. Rabies situation must be addressed.

It was the decision of the Council that an ad hoc committee should begin work immediately to look at the animal program to see if methods can be improved. These figures should be worked into this year's budget. At the same time, the rabies program must be initiated with as broad a scope as possible.

Mayor Freeland will begin making the appointments and the charge to the task force immediately. The goal would be to have the recommendations of the task force available for comment during the public hearings. Dr. Simmonds said he would ask for recommendations on the program at the next Animal Control meeting. He suggested a meeting be set up with the County Health Officer and Chief Stout in order to discuss the options available to the Mayor and Council. Mayor Freeland suggested that the State be contacted also.

The Mayor and Council thanked the Animal Control Board members for taking time to come before the Mayor and Council this evening.

Re: Discussion of Membership
in Maryland Municipal
League.

The staff furnished figures to the Mayor and Council on the cost of membership in Maryland Municipal League. Councilman Abrams said his concern is function more than numbers and it might be better to rechannel the funds. He noted that the whole issue of classification of cities has never been successfully addressed by the League and it might be better to utilize the City's dollars by forging new relationships within the legislature. It is possible that the City of Rockville has more commonality with Montgomery County as

we look at the horizon of the legislative agenda in Annapolis. The City Manager stressed the amount of staff time that is saved by the Maryland Municipal League's review of bills. He recommended that the Mayor and Council continue the membership in the Municipal League rather than rely on the Delegates. Councilman Tyner stressed the type of work that is being done by the Delegates with this Mayor and Council. He said the City must look at the philosophy of how it wishes to relate. Mayor Freeland noted that the dues is only one portion. What is spent over and above that is optional. The role has never been laid out nor a policy developed as to the City's involvement. He suggested that the City continue its membership for another year but develop a policy as to membership and organizations and whether all will participate or the individual councilmembers will participate. Councilwoman Hovsepian agreed with that. Councilman Abrams said he would also go along with this but he would like to discuss it again at budget time provided the legislative session is successful. Councilman Tyner suggested that the City take a stand and not put itself in a position of nominating him at this time for the Presidency and then withdrawing the nomination at another time. Mayor Freeland suggested the document for nomination be forwarded to Annapolis with Councilman Tyner's name since the discussion this evening pointed to the membership. He pointed out, however, the time could come when the Mayor and Council might decide on another course. If so, it would be necessary for the elected officials to carry the workload in Annapolis. If the staff were attending the legislative sessions, it would be in addition to the Mayor and Councilmembers, not in place of them.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Rockville Senior Associates, re thank you
2. Rockville Jaycees, re thank you
3. Delegate Boergers, re congratulations
4. Acknowledgements of letter expressing support for HB 1277, Tillie Frank

Re: Information Items

The Mayor and Council noted the following items of information:

1. Information on sewer backup at 1721 Crestview Drive

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2. Information on City's telephone system

Councilman Duncan noted that the staff has recommended a recording be placed on the system explaining that it is out of order. He asked if it had reached that stage where a recording was necessary. He asked how long the system has been in place. Mr. Lawton explained a year and a half. Councilman Duncan suggested there might be a better way to handle it.

3. Response to citizen complaint

4. Notice of operation of information system

5. Flyer for Easter Egg Hunt

6. Schedule of Council tours

Councilman Duncan said he is quite interested in taking the tours of the City's departments, but his schedule precludes it.

7. Information on SB 551 from Assistant City Manager and Director of Planning

8. Information on Twinbrook Metro Station

Re: New Business

1. Councilman Tyner suggested the Mayor and Council take advantage of the meeting of the Montgomery County Chapter Joint meeting this week with Prince Georges County.

Re: Approval of Minutes

On motion of Councilwoman Hovsepien, duly seconded and unanimously passed, the Minutes of Meeting No. 6-83, were approved as amended.

Re: Executive Session

On motion of Councilman Tyner, duly seconded and unanimously passed, the meeting was adjourned for executive session to discuss litigation.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 12:25 a.m. to convene again in general session on Monday, April 11, 1983, at 8:00 p.m. or at the call of the Mayor.